

TENNESSEE BOARD OF CHIROPRACTIC EXAMINERS

DATE: November 3, 2011

TIME: 9:00 A.M.

LOCATION: Health Related Boards Conference Center
Poplar Room Conference Room
227 French Landing
Nashville TN 37243

BOARD MEMBERS

PRESENT: Michael Massey, D.C., President
Craig Ratcliff, D.C. Vice President
Chris Alexander, D.C., Secretary
Barry Kelton, D.C.
Andrea Selby, D.C.
Gina Hampton, Citizen Member

BOARD MEMBERS

ABSENT: Sheila Fitzgerald, Citizen Member

STAFF PRESENT: Melody Spitznas, Board Administrator
Elizabeth Miller, Director of Health Related Boards
Mona Jean-Baptiste, Office of General Counsel
Jason Hill, Board Administrator

Dr. Massey, chair, called the meeting to order at 9:00 a.m. A quorum was present.

Minutes

Dr. Alexander made a motion, seconded by Dr. Kelton, to approve the August 11, 2011 Board meeting minutes as amended. The motion carried.

Dr. Kelton made a motion, seconded by Dr. Selby, to approve the November 4, 2010 Board meeting minutes as amended. The motion carried.

Dr. Selby made a motion, seconded by Dr. Alexander, to approve the May 13, 2010 Board meeting minutes as amended. The motion carried.

OGC Report

The amendments pertaining to Continuing Education, Necessity of Certification for CXT's and CTA's [Rules 0260-02-.12, 0260-03-.03, 0260-03-.07, 0260-03-12, 0260-05-.03, 0260-05-.07 and 0260-05-.12] have been approved by the Attorney General's Office and have been filed with the Secretary of State. The rules become effective January 12, 2012.

The Board authorized a rulemaking hearing to be held at the next meeting, which is February 9, 2012, regarding fees, chiropractic professional corporations and chiropractic limited liability companies [0260-02-.06 and 0260-02-.24], and implementing a rule requiring chiropractors to inform the Board of the names of the CTA's and CXT's working for them.

Dr. Kelton made a motion, seconded by Dr. Selby to change the rules to make the application fees for chiropractic therapy assistants and chiropractic x-ray technicians equal. This reduces the CTA application fee from \$210.00 to \$150.00 and increases the CXT application fee from \$140.00 to \$150.00. The motion carried. Dr. Kelton made a motion, seconded by Dr. Selby, to reduce the renewal fee for DC's, CTA's and CXT's by \$25.00. This reduces the renewal fee for DC's from \$285.00 to \$260 and renewal fees for CTA's and CXT's from \$135.00 to \$110.00. The motion carried. The rules must be changed before the fee increase and decrease will become effective.

There are eleven (11) open cases at OGC against chiropractors.

Investigative Report

There are thirty (30) complaints being investigated for chiropractors, one (1) for CTAs and five (5) for CXTs.

Monitored Practitioners

One (1) practitioner is on suspension, seven (7) are on probation, four (4) have had their licenses revoked, three (3) are under a board order and four (4) were disciplined for unlicensed practice.

Administrative Report

As of October 26, 2011, there are 1079 licensed Chiropractic Examiners, 122 CXTs, and 467 CTAs.

Review Correspondence

Ed Thomas, DC, submitted a letter requesting the Board to grant him an extension to complete his continuing education requirement for 2010. Dr. Ratcliff made a motion, seconded by Dr. Kelton, to grant Dr. Thomas' request. Dr. Thomas is to submit proof of completion of 24 hours of continuing education to fulfill the 2010 continuing education requirement, along with proof of completion of the 2011 continuing education requirement no later than January 15, 2012. The motion carried.

Janie Haun, DC, submitted a letter asking the Board if she could advertise that she is certified in treating golf injuries. Dr. Alexander made a motion, seconded by Dr. Ratcliff, that Dr. Haun can advertise the fact she is certified in treating golf injuries; however, she cannot claim that the services she performs are professionally superior to another licensee. The motion carried.

Denice Alles, CTA, submitted a letter requesting the Board to grant her an extension to complete her 2010 continuing education hours. Dr. Kelton made a motion, seconded by Dr. Selby, to grant Ms. Alles an extension until December 31, 2011 to make up her 2010 continuing education hours. The motion carried.

Jennifer Johnston, DC, submitted an email requesting the Board grant a waiver of the 2010 continuing education requirement. Dr. Johnston only worked part-time and has not been able to find employment in the chiropractic field. Dr. Selby made a motion, seconded by Dr. Alexander, to decline Dr. Johnston's request for a waiver, but inform her that she can retire her license. She must be in compliance with her continuing education requirement prior to retiring her license. The motion carried.

Danielle Gray, L.M.T., CTA, submitted a letter requesting an extension to make up her 2010 continuing education hours. Dr. Selby made a motion, seconded by Dr. Kelton, to grant Ms. Gray an extension until December 31, 2011 to make up her 2010 continuing education requirement. The motion carried.

Mike Pearson, DC, submitted an email requesting clarification of the Board's advertising rules concerning third party companies offering discounted fees for the referral of a patient. Dr. Ratcliff made a motion, seconded by Dr. Selby that this type of practice is in violation of the Board's rules and statutes. The motion carried.

C.D. Jackson, DC, submitted a letter requesting a waiver of the 2011 continuing education requirement due to a family hardship. Dr. Alexander made a motion, seconded by Dr. Selby, to allow Dr. Jackson to complete all 24 of his 2011 continuing education hours online by December 31, 2011 or to complete 24 Board approved classroom hours by June 30, 2012. The motion carried.

Cindy Smith Wegener, CA, submitted a letter requesting a waiver of her 2010 continuing education requirement due to health issues. Dr. Ratcliff made a motion, seconded by Dr. Selby, to grant Ms. Wegener's request. The motion carried.

Nathan Williams, DC, submitted an email inquiring if it is within a chiropractor's scope of practice to work in a collaborative effort with a clinical psychologist to do Transcranial Direct Current Stimulation (TDCS) therapy. Dr. Selby made a motion, seconded by Dr. Kelton, to have Dr. Williams formally request an Advisory Ruling regarding this issue. The motion carried.

Myles Crawford, DC, submitted an email asking if it is within a chiropractor's scope of practice to use a mild HBOT portable chamber in his clinic to increase the flow of oxygen to patient's tissues to expedite healing and function. Dr. Selby made a motion, seconded by Dr. Alexander,

to have Dr. Crawford submit a formal request for an Advisory Ruling regarding this topic. The motion carried.

Donald Litchfield, DC, submitted a letter requesting the Board to waive continuing education requirements for several years in order to reinstate his expired license. The Board requested Dr. Litchfield to attend the next Board meeting.

Review/Ratify Continuing Education Courses

Dr. Kelton made a motion, seconded by Ms. Hampton, to approve the list of continuing education courses. The motion carried. (List Attached)

Ratify Newly Licensed Chiropractors

Dr. Selby made a motion, seconded by Dr. Ratcliff, to approve the following newly licensed Chiropractors:

Christopher William Clarke
Timothy Anthony Dunne
Scott Ashley Foote
Mary Elisabeth Gandy
Courtney Lee Jones
Ryan Hamilton Key
Jude Aaron Miller
Justin Lee Moseley
Justin Lane Phillips
Shawn David Wanderaas
Lee Thomas Westmoreland

The motion carried.

Dr. Ratcliff made a motion, seconded by Dr. Selby to approve the following reinstated Chiropractors:

William Edward Barrett
Albert D. Cotton, Jr.
Greg A. Ewart
Bradford J. Hagan
Latoya Antoinette Jones
George S. Nobles

The motion carried.

Dr. Selby made a motion, seconded by Dr. Kelton to approve the following newly licensed Chiropractic Therapy Assistants:

**Kayleen Faye Becker
Brandy Pauline Bowers
Jenyfer Danyal Driggers
Linda Estralluela Guidali
David Marshall Harris
Jodi Ann Hoffman
Amy Beth McCoy
Amy M. Rutledge
Devin Maria Whitson**

The motion carried.

Dr. Selby made a motion, seconded by Dr. Kelton to approve the following newly licensed Chiropractic X-ray Technician:

Mary Carol Alexander

Dr. Alexander recused himself. The motion carried.

Dr. Selby made a motion, seconded by Dr. Kelton to approve the following newly licensed Chiropractic X-ray Technicians:

**Jamie Elizabeth Bercich
Shellie Ann Evans
Brittney Amber Grooms
Tracy Lee Taylor**

The motion carried.

Financial Report

For FY 2011, the Board had direct expenditures of \$61,995.70 and revenue collections of \$246,255.85. Indirect expenditures were not available. The cost of the new data software for the regulatory board system will be \$15,149.80 for this Board.

Agreed Citations

Dr. Ratcliff made a motion, seconded by Dr. Selby, to approve the Agreed Citation for **Greg A. Ewart, DC** for practicing as a chiropractor on an expired license. Dr. Ewart agreed to pay a \$500 civil penalty. The motion carried.

Other Board Business

The Board deferred action on the issue of chiropractors performing athletic physicals until the next Board meeting.

With no other Board business to conduct, Dr. Kelton made a motion, seconded by Dr. Ratcliff, to adjourn the meeting at 12:15 p.m. The motion carried.